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MAY 03 2002

In re Application of	:	OFFICE OF PETITIONS
Ly, Macmillen, Miller and Knapp	:	
Application No. 09/590,584	:	DECISION REFUSING STATUS
Filed: June 8, 2000	:	UNDER 37 CFR 1.47(a)
For: METHODS FOR AUTOMATICALLY	:	
PIPELINING LOOPS	:	

This is in response to the renewed "Petition Under 37 CFR 1.47(a)," filed November 9, 2001.

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on June 8, 2000 without an executed oath or declaration and naming Ly, Macmillen, Miller and Knapp as joint inventors.

Accordingly, on July 11, 2000, a "Notice to File Missing Parts of Application" was mailed, requiring an executed oath or declaration and a surcharge for late filing.

In response, on October 16, 2000, a petition under 37 CFR 1.47, three separate Declarations by the signing inventors, a declaration and statement of facts by Jonathan T. Kaplan, the petition fee and a general authorization to charge the surcharge and a one month extension of time were filed.

In the "Decision Refusing Status Under 37 CFR 1.47(a)," mailed July 9, 2001, the petition filed October 16, 2000, was dismissed for failure to submit an oath or declaration in compliance with 35 U.S.C. §§ 115 and 116.

In response, on November 9, 2001, the instant renewed petition and new declarations were filed.

A grantable petition under 37 CFR 1.47(a) requires:

- (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
- (3) the petition fee; and
- (4) a statement of the last known address of the non-signing inventor.

Applicant lacks item (2), as set forth above.

As to item (2), an oath or declaration submitted for the patent application in compliance with 37 CFR 1.63 and 1.64 still has not been presented. The declarations submitted November 9, 2001, do not set forth David W. Knapp's citizenship. An oath or declaration in compliance with 37 CFR 1.63 and 1.64 is REQUIRED. See MPEP 409.03(a)

The requirement that the citizenship of an inventor be provided on the declaration is a requirement established by statute and cannot be suspended or waived. See 35 USC 115. Accordingly, this information must be provided in order to submit a declaration in compliance with 35 USC 115 and 116, and 37 CFR 1.63 and 1.64.

Petitioner should submit, with any renewed petition petitioner may wish to file, new declarations that contain the required citizenship information of David W. Knapp.

Please note, the "Revocation of Prior Powers of Attorney, Appointment of New Attorneys of Record and Change of Correspondence Address," submitted January 30, 2002, cannot be entered or made of record. A statement under 37 CFR 3.73(b) is required and must accompany the aforementioned "Revocation of Prior Powers of Attorney, Appointment of New Attorneys of Record and Change of Correspondence Address." A courtesy copy of this decision is being mailed to the address noted on the "Revocation of Prior Powers of Attorney,

Appointment of New Attorneys of Record and Change of Correspondence Address." However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.


Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents
Box DAC
Washington, DC 20231

By FAX: (703) 308-6916
Attn: Office of Petitions

By hand: Office of Petitions
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, VA

Telephone inquiries related to this decision should be directed to the undersigned at (703) 306-9200.



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cc.
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